

USSN: 09/770,960
Atty. Docket No.: 10247
Amdt. dated November 22, 2004
Reply to Office Action of August 25, 2004

REMARKS/ARGUMENTS

Upon entry of the claim amendments, Claims 1-23 and 27-29 will be all the claims pending in the application.

Claim 1 has been amended as supported by the application as originally filed, including page 8, lines 25-30, the example films in the specification, and especially the example films at pages 17 and 18 of the specification.

Claims 2-7 have been amended to make them consistent with amended Claim 1.

Claim 8 has been amended as supported by the application as originally filed, including the example films in the specification, and especially the example films at pages 17 and 18 and the description at page 19 of the specification.

Claim 10 has been amended as supported by the application as originally filed, including Example 26 at page 18 and the description at page 19 of the specification.

Claim 12 is supported by the application as originally filed, including pages 7 and 8, the example films in the specification, and especially the example films at pages 17 and 18 of the specification.

Claims 20 and 21 have been amended to make them consistent with amended Claim 1.

Claims 22 and 23 have been amended as supported by the application as originally filed, including the example films in the specification, and especially the example films at pages 17 and 18 and the description at page 19 of the specification.

Claims 24-26 have been canceled and replaced by new Claims 27-29. New Claims 27-29 are supported by the application as originally filed, including original Claims 25 and 26.

No new matter has been added.

In this regard, it is pointed out that the fundamental factual inquiry with respect to whether an amended claim is adequately supported by the application as filed is whether the amended claim defines an invention that was clearly conveyed to those skilled in the art at the time the application was filed. Ralston Purina Co. v. Far-Mar-Co., Inc., 227 USPQ 177, 179

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(Fed. Cir. 1985). The subject matter of the amended claim need not be described literally, i.e., using the same terms or *in haec verba*, in order for the disclosure to satisfy the description requirement. MPEP §2163.02.

In the present case, a person of ordinary skill would have understood from the application as originally filed (including the example films in the specification, and especially the example films at pages 17 and 18 and the description at page 19 of the specification) that Applicants were in possession of the subject matter of each of the amended or new claims.

Turning to the prior art rejections beginning at page 3 of the Office Action, none of U.S. Patent Nos. 4,701,369, 4,965,123, 6,517,664, and 5,888,640 (US '369, US '123, US '664, and US '640, respectively), either alone or any combination thereof, discloses or suggests the subject matter of the amended or new claims.

Specifically, independent Claim 1 requires a label containing at least four layers and a cold glue adhesive on the first side of the first skin layer. The three layers closest to the cold glue (the first skin layer, first tie layer and core layer) are cavitated and the second skin layer is not cavitated. Claim 8 further requires a second tie layer, such that the label of Claim 8 contains at least five layers and a cold glue adhesive on the first side of the first skin layer. According to the label of Claim 8, the three layers closest to the cold glue (the first skin layer, first tie layer and core layer) are cavitated and the second tie layer and second skin layer are not cavitated.

None of US '369, US '123, US '664, and US '640 discloses or suggests these particular embodiments of the claimed invention.

The patentability of the claimed invention is further emphasized by the Rule 132 Declaration of co-inventor JoAnn Squier, submitted herewith.

Applicants respectfully request that the Examiner reconsider and withdraw the remaining §102 and §103 rejections.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be

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best resolved through a personal or telephone interview, she is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Date: November 22, 2004

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